

Public Matter FILED

5/1/2019

STATE BAR COURT
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LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

DAVID T. EGLI,
No. 93776,

A Member of the State Bar.

Case No. **SBC-19-O-30185**

NOTICE OF DISCIPLINARY CHARGES

(OCTC Case No. 18-O-16055; 18-O-16796;
19-O-10190)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. David T. Egli ("respondent") was admitted to the practice of law in the State of
4 California on December 16, 1980, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT 1

7 Case No. 18-O-16055
8 Former Rules of Professional Conduct, Rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about July 5, 2013, Linda Mitchel ("Ms. Mitchel") employed respondent to
10 perform legal services, namely to represent Ms. Mitchel in her role as administrator of the *Estate*
11 *of Victoria M. McDonald* (Riverside Superior Court, case no. RIP1300154) and to prevent
12 foreclosure of the estate's real property located at 3748 Center Ave in Norco, California ("the
13 Norco Property"), which respondent intentionally, recklessly, or repeatedly failed to perform
14 with competence, in willful violation of the former Rules of Professional Conduct, rule 3-
15 110(A), by the following:

- 16 A. failing to contact the foreclosing mortgage lender, PNC Bank, prior to the date of
17 the trustee sale of the Norco Property on March 15, 2018;
18 B. failing to file any documents or make any appearances in the *Estate of Victoria M.*
19 *McDonald* between in or around July 2015 and July 2017.

20 COUNT 2

21 Case No. 18-O-16796
22 Former Rules of Professional Conduct, Rule 3-110(A)
[Failure to Perform with Competence]

23 2. On or about April 28, 2018, Maria Lopez ("Ms. Lopez") employed respondent to
24 perform legal services, namely to assist Ms. Lopez in filing a Chapter 13 bankruptcy petition on
25 her behalf, which respondent intentionally, recklessly, or repeatedly failed to perform with
26 competence, in willful violation of the former Rules of Professional Conduct, rule 3-110(A), by
27
28

1 failing to file a Chapter 13 bankruptcy petition on behalf of Ms. Lopez between February 15,
2 2018 and August 22, 2018.

3 COUNT 3

4 Case No. 18-O-16796
5 Former Rules of Professional Conduct, Rule 3-700(A)(2)
6 [Improper Withdrawal from Employment]

7 3. Respondent failed, upon termination of employment, to take reasonable steps to avoid
8 reasonably foreseeable prejudice to respondent's client, Maria Lopez, by constructively
9 terminating respondent's employment on or about August 20, 2018 by failing to take any action
10 on the client's behalf after that date, and thereafter failing to inform the client that respondent
11 was withdrawing from employment, in willful violation of the former Rules of Professional
12 Conduct, rule 3-700(A)(2).

13 COUNT 4

14 Case No. 18-O-16796
15 Business and Professions Code, section 6068(i)
16 [Failure to Cooperate in State Bar Investigation]

17 4. Respondent failed to cooperate and participate in a disciplinary investigation pending
18 against respondent by failing to provide a substantive response to the State Bar's letters of
19 October 17, 2018, October 31, 2018, December 6, 2018, and January 22, 2019 and to the State
20 Bar's emails of November 8, 2018, November 15, 2018, November 19, 2018, December 6, 2018,
21 and December 20, 2018, which respondent received, that requested respondent's response to the
22 allegations of misconduct being investigated in case no.18-O-16796, in willful violation of
23 Business and Professions Code, section 6068(i).

24 COUNT 5

25 Case No. 19-O-10190
26 Former Rules of Professional Conduct, Rule 3-110(A)
27 [Failure to Perform with Competence]

28 5. On or about August 30, 2018, Robert Richie ("Mr. Richie") employed respondent to
perform legal services, namely to file a motion for termination of support and reimbursement of
overpayment on behalf of Mr. Richie, which respondent intentionally, recklessly, or repeatedly

1 failed to perform with competence, in willful violation of the former Rules of Professional
2 Conduct, rule 3-110(A), by failing to file a motion for termination of support and reimbursement
3 of overpayment.

4 COUNT 6

5 Case No. 19-O-10190
6 Business and Professions Code, section 6068(m)
7 [Failure to Respond to Client Inquiries]

8 6. Respondent failed to respond promptly to four written reasonable status inquiries
9 made by respondent's client, Robert Richie, between March 13, 2018 through May 5, 2018 that
10 respondent received in a matter in which respondent had agreed to provide legal services, in
11 willful violation of Business and Professions Code, section 6068(m).

12 COUNT 7

13 Case No. 19-O-10190
14 Former Rules of Professional Conduct, Rule 4-100(B)(3)
15 [Failure to Render Accounts of Client Funds]

16 7. On or about August 30, 2017, respondent received from respondent's client, Robert
17 Richie, the sum of \$1,515 as advanced fees for legal services to be performed. Respondent
18 thereafter failed to render an appropriate accounting to the client regarding those funds following
19 the client's requests for such accounting on or about May 23, 2018 and September 7, 2018, in
20 willful violation of the former Rules of Professional Conduct, rule 4-100(B)(3).

21 COUNT 8

22 Case No. 19-O-10190
23 Business and Professions Code, section 6068(i)
24 [Failure to Cooperate in State Bar Investigation]

25 8. Respondent failed to cooperate and participate in a disciplinary investigation pending
26 against respondent by failing to provide a substantive response to the State Bar's letters of
27 January 22, 2019 and February 5, 2019 and the State Bar's email of February 5, 2019, which
28 respondent received, that requested respondent's response to the allegations of misconduct being

1 investigated in case no.19-O-10190, in willful violation of Business and Professions Code,
2 section 6068(i).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
11 **RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

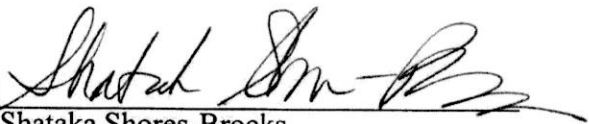
13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF CHIEF TRIAL COUNSEL

21 DATED: 5/1/19

22 By:

23 
24 Shataka Shores-Brooks
25 Senior Trial Counsel
26
27
28

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **OCTC Nos.: 18-O-16055; 18-O-16796; 19-O-10190**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

☐

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: **9414 7266 9904 2111 0114 75** at Los Angeles, addressed to: *(see below)*

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: _____ addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
David Thomson Egli	Law Office of David T Egli 7130 Magnolia Ave., Ste R Riverside, CA 92504-3840	Electronic Address	

☐ **via inter-office mail regularly processed and maintained by the State Bar of California addressed to:**

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: May 1, 2019

SIGNED: _____

Declarant